

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID LARRY PEKKALA,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C10-5207BHS/JRC

ORDER TO FILE AN
AMENDED PETITION

The petitioner in this action is seeking habeas corpus relief from a state conviction. Thus, the petition is properly considered pursuant to 28 U.S.C. § 2254.

Petitioner has named the State of Washington as the respondent. A proper respondent is “the person having custody of the person detained.” 28 U.S.C. § 2243. This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner’s custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

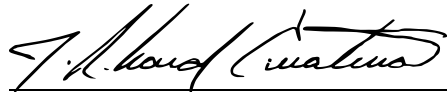
Petitioner is directed to file an amended petition on the form provided by the court or file a motion to change the respondent to the superintendent of Airway Heights Correctional Facility.

ORDER - 1

1 The amended petition will be due on or before **July 9, 2010**. Failure to comply with this order
2 will result in a Report and Recommendation that this action be dismissed

3 The Clerk is directed to mail a copy of this Order to petitioner and note the **July 9, 2010**,
4 deadline on the court's calendar.

5 Dated this 7th day of June, 2010.

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9 J. Richard Creatura
10 United States Magistrate Judge
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